

E-filed 12/7/06

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR-05-00343 JF
)	
Plaintiff,)	UNOPPOSED MOTION TO CONTINUE
)	SENTENCING HEARING;
vs.)	DECLARATION OF COUNSEL;
)	PROPOSED ORDER
ABEL FUERTE,)	
)	
Defendant.)	
_____)	

Abel Fuerte, by and through his counsel, moves for a continuance of his sentencing hearing, currently set for December 6, 2006. The new date requested is December 20, 2006 at 9:00 am. This motion is unopposed by the government and by the United States Probation Office.

The reason for this request is that the government is finalizing its position as to sentencing. Once this position has been communicated to the defense, counsel for the defense may wish to prepare a sentencing memorandum to assist the Court. The parties have been engaged in negotiations concerning sentencing issues for some time. The negotiations have been lengthy in part because the issues are important to Mr. Fuerte, and in part because counsel for both Mr. Fuerte and for the government have had to take medical leave at different moments in

1 the negotiations.

2 Undersigned counsel for Mr. Fuerte has discussed this motion with Assistant United
3 States Attorney David Callaway. Mr. Callaway is standing in on this matter for Special Assistant
4 United States Attorney Matt Harris who is on medical leave. Mr. Callaway stated that the
5 government has no objection to this request.

6 Undersigned counsel for Mr. Fuerte has discussed this motion with United States
7 Probation Officer Pam Gupton. She stated that United States Probation has no objections to this
8 motion.

9 I, Nicholas Peter Humy, am an Assistant Federal Public Defender, assigned by my office
10 to handle this matter. By filing this motion, I hereby declare under penalty of perjury, that the
11 factual assertions contained herein are true and accurate.

12
13 Dated: December 5, 2006

14 Respectfully submitted,

15 BARRY J. PORTMAN
16 Federal Public Defender

17 NICHOLAS PETER HUMY
18 Assistant Federal Public Defender

ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the date set for defendant's sentencing hearing in this case be continued to Wednesday, December 20, 2006, at 9:00 a.m. before this Court.

DATED: 12/7/06



HON. JEREMY FOGEL
UNITED STATES DISTRICT COURT JUDGE
Northern District of California